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Letter dated 5 December 2005 from the Chargé d'affaires a.i. of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

In my capacity as the representative of the current Chairman of the African Union, I have the honour to forward herewith, in English and French, the communiqué on the preparation for the Seventh Round of the Inter-Sudanese Peace Talks on the Conflict in Darfur, issued by the Peace and Security Council of the African Union at its 43rd meeting, held in Addis Ababa on 22 November 2005 (see annex I).

Please find also enclosed herewith the report on the preparation for the seventh round of the inter-Sudanese peace talks on the conflict in Darfur (see annex II).

I should be grateful if the present letter and its annexes could be circulated as a document of the Security Council.

(*Signed*) Simeon A. **Adekanye**
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Ambassador
Deputy Permanent Representative of Nigeria to the United Nations
Representative of the current Chairman of the African Union

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Annex I to the letter dated 5 December 2005 from the Chargé d'affaires a.i., of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the Peace and Security Council at its 43rd meeting

The Peace and Security Council (PSC) of the African Union (AU), at its 43rd meeting, held on 22 November 2005, adopted the following decision on the preparation for the 7th Round of the Inter-Sudanese Peace Talks on the conflict in Darfur:

Council,

1. **Expresses** concern over recent developments on the ground, particularly violations of the Ceasefire Agreement, under any pretext whatsoever, and **calls upon** all the parties to exercise maximum restraint and to abide by their commitments;

2. **Urges** all the Parties to return immediately to Abuja for the 7th Round of the Talks, without any preconditions, and to ensure that the 7th Round is the decisive one, with a comprehensive peace Agreement to end the conflict in Darfur, as was agreed at the end of the 6th Round;

3. **Reminds** the leaders of the SLM/A of their heavy responsibility not to prolong the suffering of their people in Darfur and, in this respect, **strongly demands** that they put aside their differences and personal ambitions and focus on the negotiations to end the conflict;

4. **Further demands** that, as soon as practicable, the leadership crisis in the Movement should be addressed collectively and resolved in a manner that is democratic, transparent and fair;

5. **Requests** the Commission to ensure that invitations to the 7th Round of the Talks are extended to the two groups in the SLM/A, as may be deemed appropriate;

6. **Commends** all countries and institutions that have taken initiatives to overcome the divisions within the SLM/A and **requests** them to pursue their efforts in close cooperation and consultation with the AU;

7. **Decides**, in close cooperation and consultation with the UN Security Council, to consider future appropriate measures, including sanctions, to be taken against any party that will undermine or constitute an obstacle to the peace process in Darfur, including the Abuja Talks, as well as violations of the N'djamena Humanitarian Ceasefire Agreement and the Abuja Protocols;

8. **Appeals** to all international partners to lend their strong support to the AU position on an all-inclusive peace process that will address the legitimate grievances of the people of Darfur and to continue to support the Peace Talks, as well as the AMIS deployment in Darfur, with financial and material resources;

9. **Encourages** the Special Envoy and Chief Mediator and his Team, the Chadian co-Mediation, the Facilitators and Observers, to spare no efforts to speedily conclude a Comprehensive Peace Agreement on the conflict in Darfur that is consistent with the Comprehensive Peace Agreement (CPA) of January 2005, the Interim Constitution of the Sudan and the Declaration of Principles (DoP) adopted by the parties in Abuja during the 5th Round of the Talks;

10. **Decides** to remain seized with the developments in the peace process in Abuja and the efforts to stabilize the security situation in Darfur.

Annex II to the letter dated 5 December 2005 from the Chargé d'affaires a.i., of the Permanent Mission of Nigeria to the United Nations addressed to the President of the Security Council

[Original: English and French]

Report on the preparation for the seventh round of the inter-Sudanese peace talks on the conflict in Darfur

I. INTRODUCTION AND BACKGROUND

1. It will be recalled that on 1st and 15th November 2005, the Peace and Security Council was briefed on the status of the Inter-Sudanese Peace Talks on the conflict in Darfur. At those briefings, Council was informed of the modest progress made at the Talks, with highlights of outstanding problems experienced, particularly during the 5th and 6th Rounds of the Talks, following the leadership crisis in the Sudan Liberation Movement/Army, (SLM/A) one of the Parties in the negotiations, over representation.

2. It should also be recalled that, during and at the end of the last Round, the AU and its international Partners in the process, deployed considerable efforts to assist the SLM/A to resolve the problem of divisions within the Movement to ensure that it can participate in the Talks as a united and cohesive party to accomplish the objectives and timelines of the negotiations.

3. Largely as a result of these and other peripheral problems that impeded progress at the Talks, the Parties resolved at the end of the 6th Round on 20 October, 2005, to work harder to make the forthcoming 7th Round of the Talks, a decisive one.

II. CURRENT DEVELOPMENTS

4. It was against the foregoing backdrop that the AU and the Partners, responded to the unilateral decision by the Secretary General of the SLM/A to convene the Movement's Congress, by cautioning on the need for an all-inclusive conference that would reflect the wide diversity of its membership. It was also advised that the Leaders of the SLM/A should afford the membership an opportunity to freely choose those who should lead the Movement, in order to ensure that both the reorganization and programmes of the SLM/A, would reflect the different tendencies within the Movement. When it became apparent that the Secretary General would proceed with the conference, the AU and its Partners, also advised against the plan to conduct elections for a new leadership under the divided backdrop that the conference was held, especially given that not all the leaders, most notably, the Chairman and Vice Chairman of the Movement, would attend.

5. When eventually the conference was held in Hasskaneita, from 29th to 31st October 2005, "elections" were held that produced a new "Leadership" for the SLM/A. Subsequently, the Chairman and Vice Chairman as well as some other members of the SLM/A, rejected the outcome of the conference as "Illegal" and therefore "null and void". Even though, a low-level representation of the AU and some other Partners observed the conference, neither the AU nor any of its Partners has so far recognized or rejected its outcome. Essentially, the conference and the "elections", have deepened the division within the SLM/A, with serious implications for the peace Process and other efforts to end the conflict in Darfur.

6. In response to these developments, and as agreed at the end of the 6th Round of the Talks, the United States of America, with the support of the AU, launched an initiative, to help unite the SLM/A and to avoid a further fragmentation of the Movement. From 8th to 9th November 2005, a meeting was help in Nairobi, Kenya, with members of the two factions of the SLM/A. The two delegations were led by the "ousted" Chairman of the SLM/A and the "newly elected" Vice President of the Movement, respectively. Presiding over the deliberations, was the US Deputy Secretary of State Mr. Robert Zoellick, who was in Nairobi with some of his most Senior Africa Department Advisors. The AU was represented by the Special Envoy and Chief Mediator Dr, Salim Ahmed Salim, and members of the Mediation Team, and the Special Representative in the Sudan, Amb. Baba Gana Kingibe. Special Envoys and other Representatives. International Partners notably from the UK, Canada, EU, UN, Norway, the Netherlands, France and others, also attended the meeting and the subsequent workshops on the Naivasha Comprehensive Peace Agreement (CPA) and Security Arrangements in Darfur.

7. The meeting did not realize one of its most important objectives - that of uniting the leadership of the SLM/A around one delegation to the Talks and adopting a common negotiating position for the critical stage of the Negotiations, around which all the leaders and membership could converge.

8. Apart from the failure of the "newly-elected President" of the SLM/A to attend the Nairobi meeting, his Representatives, did not accept the proposal made by the Deputy Secretary of State, with the support of the AU and the Partners. Additionally, they refused to participate in a subsequent workshop organized by the World Bank at the request of the AU, on Wealth-Sharing, held from 11-16 November 2005, also in Nairobi. The Workshop was designed to familiarize the Negotiators with the technical issues involved in the negotiations on wealth-sharing as agreed to at the end of the 6th Round. The Representatives of Mr. Minawi claimed that they were not involved in the decision that led to the convening of the Nairobi workshop, during the 6th Round of the Talks.

9. Following the developments in Nairobi and as the Peace and Security Council was informed, both bilateral and multilateral efforts continued, to engage the leaders

of the SLM/A with a view to encouraging them to adopt a united and inclusive approach to the negotiations. After the visit of the US Deputy Secretary of State to Darfur, and the visit of the Special Envoy of Canada to the Region, consultations were held between the Special Envoy and Chief Mediator with Senior Officials of the US State Department in Washington with the same objectives. The Special Representative of the Secretary General of the United Nations, Mr. Jan Pronk, also visited Darfur and met with leaders of the SLM/A, to convey the same message of unity and inclusion to them. Subsequently, and as also agreed between the US and the AU, another delegation of the United States, this time led by the Assistant Secretary of State Ms. Jendayi Frazer, visited Darfur on 19 November 2005 to again engage the two Groups in the SLM/A.

10. Prior to the meeting, the Special Representative of the AU in the Sudan, undertook a trip to Muhajeria in Darfur on 18 November 2005, where he met with Mr. Mini Minawi. Apart from extending an invitation to him and encouraging him to attend the meeting convened by the Chadian Government in N'djamena on 20 November 2005, the Special Representative conveyed to Mr. Minawi the message that it was important for him to now listen to the international community and cooperate with them. His continuing intransigence will cost the Movements the moral high ground on the basis of which the international community sympathized with their cause. His rebuff to the US initiative in Nairobi came as a disappointment to us all, especially as no less a personality than Deputy-Secretary Zoellick was directly involved. Ambassador Kingibe, therefore, advised Mr. Minawi to attend the meeting convened at the AMIS Force Headquarters the following day where Mr. Abdulwahid El Nur will also be present. This meeting is a last minute effort by the US, spear headed by Amb. Jendai Frazer, to get the two leaders to at least agree to work together in Abuja on the basis of a common agreed negotiating platform. Most importantly, Amb. Kingibe urged Mr. Minawi to attend the upcoming Abuja Talks with a strong delegation capable of taking decisions there. There was to be no question of walking out or away from the Talks whatever the difficulties or circumstances. Mr./ Minawi gave assurance that he would respond positively to all the issues raised and undertook to cooperate fully with the AU Mediation Team.

III. MEETING BETWEEN MR. ABDULWAHID EL NUR AND MR. MINNI MINAWI

11. At the meeting held at the Headquarters of the Ceasefire Commission on 19 November 2005 in El Fasher, and facilitated by AMIS, the US Delegation joined by the AU Special Representative and the Head of the AU Mediation Team, met with Mr. Mini Minawi and his Delegation and with Mr. Abdulwahil El Nur and his Delegation. As in Nairobi, the aim of the meeting was to get the two Groups to agree on one of two options that was presented to them as follows:

- The first and preferred option was for one SLM/A delegation to attend the 7th Round of the Talks, with a common negotiating position, as a demonstration of their strong resolve for a peaceful solution to the conflict in Darfur.

- The second option that was not encouraged was for two SLM/A delegations, which would participate at the Talks with a common negotiating position.

12. Under both options, the Representatives were to reiterate their commitment to maintain the ceasefire and to honour all previous Agreements reached, as well as and to corporate fully with the African Union.

13. At the end of the meeting, the group led by Mr. Abdulwahid El Nur, stated its acceptance of the proposal with a slight amendment. However, he also indicated that because of their rejection of the outcome of the Hasskaneita Conference, there are now effectively two Groups in the SLM/A and his preference was to go to Abuja as separate Groups, but with a common negotiating position if possible.

14. On his part, Mr. Mini Minawi's group, maintained that Mr. Abdulwahid El Nur had made substantive contributions within the SLM/A and to its struggle in Darfur. However, he had been removed from office by the conference held in Haaskaneita and was now an ordinary "common" member of the SLM/A. Consequently, there can only be one delegation that will represent the SLM/A at the Talks to be designated by and the "new leadership", which will not accept any other arrangement. In the event that the AU and its Partners decide to allow the two Groups at Abuja, the "new leadership" will withdraw from the Talks and will not feel bound by any previous Agreements. In any event they were unable to agree to any of the proposals that was submitted to them. They insisted that they required further consultations with other members given the decisions of their conference and the idea of collective leadership.

15. Both groups expressed a strong desire to return to Abuja for the 7th Round of the Talks as envisaged and to work to make it a decisive one.

16. At the end of the meeting, the US Assistant Secretary of State, expressed the disappointment of the US Government over the outcome of both the Nairobi and El Fasher meetings. She conveyed the united stand of the international community against any attempt to undermine the Peace Process in Abuja, Nigeria. While wishing the SLM/A well at the Talks, she was categorical that the international community will take a firm stand (including the possibility of sanctions) against any Party that should decide to withdraw from the Abuja Talks, thereby impeding the efforts to end the conflict in Darfur, peacefully and through negotiations.

17. For their part, both the AU Special Representative in the Sudan and Head of the Mediation Team underscored the resolve of the AU to facilitate an all-inclusive process. In this respect, the AU will not turn away those who want to engage in peace Talks, as against the logic of war, because at the end of the day, deep rooted conflicts such as the one in Darfur can only be resolved through an all-inclusive political process of negotiation and dialogue.

IV. THE CHADIAN INITIATIVE

18. Following the El Fasher meeting, it also became clear that in spite of the efforts deployed by the Government of Chad, with the strong support of the AU and the Government of France to convene a meeting of the SLM/A leaders in N'djamena on 20 November 2005, the objectives of that initiative would not be realized. (Council would recall an earlier briefing on this issue). Both Mr. Abdulwahid El Nur and Mr. Mini Minawi returned to their respective "Liberated Areas", indicating that they could not make it to N'djamena owing to time constraints and prior commitments within Darfur.

V. OBSERVATIONS AND CONCLUSION

19. The Darfur Peace Process has now reached a critical and decisive phase that requires concerted efforts to consolidate. It is also clear that the strategy and the objectives of the AU will not be achieved unless the problems that have undermined progress so far, are addressed in a decisive and consistent manner. Foremost among such problems, is the issue of the unity, cohesion and representation of the Movements, especially, the SLM/A. A similar problem within the Justice and Equality Movement (JEM) cannot be wished away and must be addressed at some point in the future. As the experiences of the 5th and 6th Rounds have shown, the issue of the representation of the SLM/A the dominant rebel force on the ground in Darfur, has continued to undermine progress in Abuja. Internal divisions, particularly among SLM/A's political leadership, attacks against AMIS forces and humanitarian convoys, armed banditry and other reports of human rights abuses, remain a source of major concern, that can be traced to the fragmentation within the SLM/A and the JEM, as well as to the actions of the Janjawid Militia.

20. For the SLM/A in particular, the so-called "elections" in Hasskaneita, failed to resolve the underlying problem of division within the Movement. It failed to produce a consensus on the Movement's negotiating position and on the issue of a united delegation to the Abuja Talks. It failed also to restore command and control to end banditry and other criminal acts allegedly perpetrated by some unguided elements within and outside the Movement. Since the Conference, there have been disturbing reports of arrests and detention of SLM/A Commanders who have voiced dissenting

opinions from those of Mr. Mini Minawi. Demarches have been made with representatives of the Group to respect the Rights of those who disagree with them and to engage in dialogue and demonstrate a greater degree of accommodation with all sections and tendencies within the Movement.

21. It is important to again underscore the fact that since Hasskaneita, no member of the AU and the international community has formally recognized the outcome of the conference. None has rejected it either. On the contrary, all efforts made so far, have been to encourage an all-inclusive approach within the Movement, for very obvious reasons. The AU fully subscribes to the views repeatedly expressed by SLM/A Field Commanders in Abuja during the 6th Round of the Talks, that the unity and cohesion of the SLM/A should be preserved at all costs. The fragmentation of the Movement is not in anyone's interest, and definitely, not in the interest of the Peace Process or the suffering people of Darfur. It is important to pay heed to the advice of the Field Commanders, that notwithstanding the most recent developments, interim arrangements should be made to ensure that all the tendencies within the SLM/A, are afforded the opportunity to be part of the peace process in Abuja and to insist that they remain committed to the implementation of all Agreements entered into from the N'djamena Ceasefire Agreement, the Abuja Protocols and the Declaration of Principles, to the new comprehensive Peace Agreement to be concluded in Abuja. In the meantime, no effort should be spared to encourage the leaders of the Movement to act along this direction.

VI. RECOMMENDATIONS

22. The Peace and Security Council may wish to consider the following recommendations for possible adoption at the end of its deliberations, in order to give clear guidelines to the Mediation.

a) Express concern over recent developments on the ground, particularly, violations of the Ceasefire Agreement, under any pretext whatsoever;

b) Urge all the Parties to return immediately to Abuja for the 7th Round of the Talks, without any preconditions and to ensure that the 7th Round is the decisive one with a comprehensive peace Agreement to end the conflict in Darfur, as was agreed at the end of the 6th Round;

c) Request the AU Commission to ensure that invitations to the 7th Round of the Talks, are extended to the two Groups in the SLM/A as may be deemed appropriate;

d) Remind the leaders of the SLM/A of their heavy responsibility not to prolong the suffering of their people in Darfur and in this respect,

strongly demand that they put aside their differences and personal ambitions and focus on the negotiations to end the conflict. Further demand that at the most propitious moment, the leadership crisis in the Movement should be addressed collectively and resolved in a manner that is transparent and fair, in line with the ethos and principles of democracy that can be upheld by the AU;

e) Decide, in close cooperation and consultations with the UN Security Council, to consider future appropriate measures (including sanctions) to be taken against any Party that will undermine or constitute an obstacle to the peace process in Darfur, including the Abuja Talks and observance of the N'djamena Humanitarian Ceasefire Agreement and the related Abuja Protocols.

f) Appeal to all international Partners to lend their strong support to the AU position on an all-inclusive peace process that will address the legitimate grievances of the people of Darfur and to continue to support the Peace Talks as well as the AMIS deployment in Darfur with financial and material resources;

g) Encourage the Special Envoy and Chief Mediator and his Team, the Chadian Co-mediation, the Facilitators and Observers, to spare no efforts to speedily conclude a Comprehensive Peace Agreement on the conflict in Darfur that is consistent with the Comprehensive Peace Agreement (CPA), the Interim Constitution of the Sudan and the Declaration of Principles (DOP) adopted by the Parties in Abuja during the 5th Round of their Talks there;

h) Decide to remain seized with the developments in the peace process in Abuja and the efforts to stabilize the security situation in Darfur.